



**Fw: EPA Response to errors Silverton Standard Letter to Editor and Guest Opinion**

Sabrina Forrest to: David Ostrander

09/26/2011 02:44 PM

what rich got.

Sincerely,

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From: Sabrina Forrest/R8/USEPA/US  
To: Richard Mylott/R8/USEPA/US@EPA  
Date: 09/26/2011 02:24 PM  
Subject: EPA Response to errors Silverton Standard Letter to Editor and Guest Opinion

Carol, Here is the draft. Rich Mylott and Sonya Pennock sent some shorter phrasing, since they only focused on Mr. Carmack's letter. I believe that a bit more might be useful since we may not get our Fact Sheet and Qs & As in to the paper this week and Mr. Zanoni's opinion piece also has some inaccuracies.

EPA appreciates and values the ongoing public discussion in Silverton regarding mining-related contamination and its impact on deteriorating water quality in the Animas River. We believe strongly that a full and open consideration of the facts and science is the only way to move forward to identify solutions that are right for the community.

While we embrace the expression of all public concerns and opinions, we also note that the ongoing discussion and reflections on history should be based on facts. Mr. Wiley Carmack's letter and Mr. Zeke Zanoni's opinion piece (September 22, 2011) included some particular errors misrepresentations and inaccuracies worth noting.

For one, Mr. Carmack mistakenly attributed the plug that was installed in the American Tunnel to EPA. EPA had no role in the decision to plug the tunnel and in 1993, expressed serious concerns about this

approach. Additionally, EPA had no role in the cessation of water treatment, or "...disposing of the water treatment plant."

In the 1990's the community requested that EPA not use the Superfund law to address mining-related contamination in the river. Instead, stakeholders sought to address the issues through other measures. EPA has been working collaboratively with the Animas River Stakeholder Group (ARSG) on the upper Cement Creek issues since 2005 and on their larger water quality efforts since 1996. With EPA's support, the ARSG has taken several actions that have improved water quality. Most recently, the Red & Bonita mine's owners are cooperatively participating with the EPA removal program (a Superfund program) to see if flows can be reduced or stopped at that location. EPA is not enforcing against those landowners, rather the landowners are willingly allowing EPA access so that an EPA-funded cleanup can be completed. Improvements are still being realized in Mineral Creek; however, this is not the case in upper Cement Creek. EPA believes that more action is needed to reverse this trend.

The EPA and the State of Colorado are responsible for protecting public health and the environment from uncontrolled releases of hazardous substances, pollutants, and contaminants. EPA's interest is the same as the other stakeholder members; we would like to see water quality improve. EPA does not dispute that there are naturally high levels of metals such as aluminum and iron from parts of the Red Mountain District. However, there are higher metals loads (copper, cadmium, lead, manganese, and zinc) documented from the uncontrolled mine discharges since the American Tunnel was plugged and water treatment ceased.

To get to the actual cleanup on some of the other upper Cement Creek mine discharges, EPA does not rely on funds from the oil industry, as Mr. Zanoni indicated. Rather EPA relies on those who created the problem to fix the situation. If there are no responsible parties that can or will help, the EPA, in following through on their regulatory mandate, uses Superfund program dollars received from annual Congressional allocations. Those funds are used following Superfund processes, such as National Priorities Listing or enforcement. Alternatively, responsible parties may want to enter into formal agreements with regulatory agencies such as the EPA so that their environmental responsibilities have an endpoint and financial certainty associated with them.

EPA has explained to community members that have participated in recent meetings that part of identifying an effective and implementable approach includes evaluating treatment methods that will have a positive impact on water quality and account for the best ways to manage wastes such as sludge that may be generated. EPA realizes there are many issues with operating a water treatment plant forever and admits that it does not have all the answers right now. What EPA wants is to continue to work with the community to identify an effective and implementable approach to improving water quality in the river. EPA is currently drafting a Fact Sheet and Questions & Answers to share with readers of the Silverton Standard to help provide answers and clarify some issues to the best of our ability.

Sincerely,  
Carol Campbell Assistant Regional Administrator  
Office of Ecosystems, Protection and Remediation

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Please call if you would like to discuss.

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